

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DONATO APONTE NAVEDO, et al.
Plaintiffs
v.
NALCO CHEMICAL, INC., et al.
Defendants

CIVIL No. 09-01232-JA

TITLE VII AGE & GENDER DISCRIMINATION,
ADA, NATIONAL ORIGIN, TORTS
TRIAL BY JURY

INFORMATIVE MOTION re: DISCOVERY HEARING

Come now all Plaintiffs, through the undersigned counsel, and state as follows:

1. Pending before the Court is Plaintiffs' motion to compel discovery from Defendants. See: **ECF No.77**.
2. Said hearing has been set for Friday, January 14th, 2011. See: **ECF No.86**. The deadline for filing dispositive has been set for the following Monday, January 17th, 2011. See: **ECF No.83**.
3. Plaintiffs are currently drafting a motion for a finding of spoliation, as well as for other related litigation abuses and behavior, which they intend to file in the form of a dispositive motion within the above timeframe set by the Court.

4. Plaintiffs are also currently drafting a motion *in limine*, which they intend to oppose to any foreseeable dispositive motion filed by Defendants.
5. The factual and legal basis for Plaintiffs' above two motions in many respects relate to several of the 27 discovery requests present in their pending motion to compel. Of those, Plaintiffs have identified 15 disputed items for which Defendants have already adamantly expressed either their final unmovable position, or their practical impossibility of compliance.
6. The aforementioned 15 disputed items are therefore ripe for adjudication, and are better served in the forthcoming dispositive motion and *motion in limine*, rather than in Friday's discovery hearing.
7. Consequently, in order to streamline the discovery hearing, and without waiving their right to raise the underlying legal contentions in their dispositive motion and *motion in limine*, Plaintiffs will not pursue the following paragraphs from their pending motion to compel as set forth in **ECF No. 77**:
 - a. 23. Interrogatory No. 12
 - b. 26. Interrogatory No. 14
 - c. 29. Interrogatory No. 15
 - d. 32. Interrogatory No. 16
 - e. 35. Interrogatory No. 17

- f.** 38.Interrogatory No. 18
- g.** 50.Document Request No. 7
- h.** 65.Document Request No. 12
- i.** 68.Document Request No. 13
- j.** 71.Document Request No. 23
- k.** 74.Second Document Request No. 1
- l.** 77.Second Document Request No. 2
- m.** 80.Second Document Request No. 3
- n.** 83.Second Document Request No. 4
- o.** 86.Second Document Request No. 5

WHEREFORE, for all of the above, Plaintiffs request that the Court:

Take Notice of all of the above.

IN NEW YORK, NEW YORK, JANUARY 11Th, 2011.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 11th, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of interest.

In New York, New York, this 11th day of January, 2011.

S/William Meléndez-Menéndez

William Meléndez-Menéndez

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